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Attorneys for Chapter 7 Trustee  
Kyle Everett

**UNITED STATES BANKRUPTCY COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN FRANCISCO DIVISION**

In re

BENJA INCORPORATED,

Debtor.

Case No. 20-30819-DM

Chapter 7

**REQUEST FOR ENTRY OF  
ORDER BY DEFAULT  
APPROVING TRUSTEE'S  
MOTION TO APPROVE  
COMPROMISE OF  
CONTROVERSY (THOMAS  
PETERS)**

The Trustee hereby files his Request for Entry of Order by Default in support of his Motion to Approve Compromise of Controversy with the Thomas Peters (the "Motion"), ECF 145, and in support thereof states as follows:

On February 6, 2023, the Trustee filed the Motion and the supporting Declaration of Kyle Everett. ECF 145, 145-1. Also on February 6, 2023, the Trustee filed the Notice and Opportunity for Hearing (the "Notice") relating to the Motion. ECF 146. The Notice was served on creditors on the Court's mailing matrix on February 6, 2023. ECF 147.

The Notice indicated that anyone wishing to object to the proposed stipulation was required to do so by filing and serving a written objection no later than 21 days from the date on

1 which the Notice was served. The last day for filing and serving objections was February 27,  
2 2023. The Trustee received no objections, and none were filed in the bankruptcy case.

3 This Request for Entry of Order by Default is supported by the concurrently filed  
4 Declaration of Jennifer C. Hayes.

5 Based on the foregoing, the Trustee requests entry of an order approving the Motion  
6 and providing as follows:

7 1. The Motion to Approve Compromise of Controversy with Thomas Peters (the  
8 “Motion”), ECF 145, is granted.

9 2. The Settlement Agreement and Release attached as **Exhibit A** to the  
10 Declaration of Kyle Everett in Support of the Motion, ECF 145-1, is approved.

11 3. Without further Court order, the Trustee is authorized to take those actions that  
12 he deems appropriate to implement the relief requested in the Motion and ordered by the Court.

13 4. The Court’s order is effective upon entry, and the stay otherwise imposed by  
14 Federal Rule of Civil Procedure 62(a) and/or Federal Rule of Bankruptcy Procedure 6004(h)  
15 shall not apply.

16  
17 Dated February 28, 2023

FINESTONE HAYES LLP

18  
19 /s/ Jennifer C. Hayes

Jennifer C. Hayes  
Attorneys for Kyle Everett,  
Chapter 7 Trustee